

The Honorable Tana Lin

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

NEXON KOREA CORPORATION,
a Korean Corporation,

Plaintiff,

v.

IRONMACE CO., LTD., a Korean
Corporation; JU-HYUN CHOI, individually;
and TERENCE SEUNGHA PARK,
individually,

Defendants.

Case No. 2:23-cv-00576-TL

DECLARATION OF GYOOHOO LEE

DECLARATION OF GYOOHOO LEE

I, Gyoocho Lee, hereby declare as follows:

I. Introduction

1. I am submitting this declaration in response to Nexon's Opposition to the Motion to Dismiss for Forum Non Conveniens filed in the above-captioned action. The facts stated herein are known to me personally, and if called as a witness, I could and would testify competently thereto.

A. Educational Background

2. I am a tenured professor of law at Chung-Ang University School of Law in Seoul, Republic of Korea. I am a classic jurist in the civil law tradition, i.e., a scholar, teacher, and law reformer. I hold an LLB and LLM from Yonsei University College of Law in Seoul, and an LLM in comparative Asian law from the University of Washington School of Law in Seattle, WA, and a JSD (Doctor of Juridical Science) in comparative civil procedure and law and economics from Washington University School of Law in St. Louis, MO. My dissertation was a comparison of American and Korean civil procedure from an economic point of view. My academic supervisor for my JSD dissertation was Professor Charles R. McManis, who specialized in intellectual property law. I was a visiting researcher at Georgetown University Law Center from September 1994 to August 1995 and a visiting scholar at Washington University School of Law in 2014.

B. Professional Background (including committee membership, relevant published articles, etc.)

3. I lead various organizations for intellectual property law, private international law, civil procedure, and cultural property law in Korea. I have participated in several commissions reviewing and reforming Korean civil justice and intellectual property law. Also, I am the author of several books including Copyright Law-Cases and Explanations (6th ed. 2017), Understanding Intellectual Properties (1st ed. 2020), Unfair Competition Law (4th ed., 2020), Trademark Law

(2nd ed. 2018), Patent Law-Cases and Explanations (4th ed. 2017), Teaching Intellectual Property Law (2013), Failures of American Civil Justice in International Perspective (co-authored with James R. Maxeiner and Armin Weber and published by Cambridge University Press)(2011), Recent Issues in Entertainment Law-Focused on Theories and Practices in Korea and Japan (co-authored with Kimihito Kato, Esq., Tomoyuki Kataoka, Esq., and Zung Hyuk Hur)(2011). Furthermore, I have written numerous Korean or English articles and book chapters related to intellectual property law as attached to my declaration as **Exhibit A**. In addition, I have taught several classes at the WIPO summer school in Daejeon, South Korea since 2018 and an intensive unfair competition law class for KIPO officials from July 30 to August 1, 2019.

4. Now, as far as my works related to governmental activities are concerned, I am a member of the Korea Copyright Commission and the Expert Committee for Emerging IP at Presidential Council on Intellectual Property. Also, I am serving as a copyright appraisal expert for the Korea Copyright Commission.

5. I have served as the editor-in-chief of the Korean Yearbook of International Law (from February 2022 to January 2024) and Culture, Media, and Entertainment Law (From 2007 to present). I am a member of AIPPI Standing Committee for Geographical Indications and a member of Association of Critical Heritage Studies ICH Network Committee, and an individual member of American Society of Comparative Law and an associate member of the International Academy of Comparative Law. Also, I am serving as the President of the Association of Contents Property for Next Generation, and the President of the International Cultural Heritage Law Association, and Vice President of Korean Computer Game Law Association and of Korea Private International Law Association. In addition, I am an arbitrator and mediator of the WIPO arbitration and mediation center, an arbitrator of KCAB (The Korean Commercial Arbitration Board), a member of SME Mediation and Arbitration Committee, a mediator of Seoul Central District Court, and the Director of the Institute for Culture, Media, and Entertainment Law at Chung-Ang University and the Director of the Korean Institute of Information and Media Law. I

1 had served as a member of the International Law Association's Committee on Intellectual
 2 Property and Private International Law, a member of the International Law Association's
 3 Committee on Participation in Global Cultural Heritage Governance, and a Co-president of the
 4 Korean Association of Informedia Law.

5 6. For my great contributions to public service, I have won official commendations
 6 from the Ministry of Culture, Sports and Tourism of Korea in 2011, from Small and Medium
 7 Business Administration of Korea (Currently "Ministry of SMEs and Startups") in 2014 and
 8 from the Prime Minister of Korea in 2014. Also, I won a research excellence award from Chung-
 9 Ang University in 2015, and became a listee of Marquis Who's Who in the World in 2016 and
 10 2018 and of 2000 Intellectuals of the 21st Century selected by IBC in 2016. In addition, I won
 11 Chung-Ang University Human Rights Award for 2019.

12 7. My full curriculum vitae is attached to my declaration as **Exhibit A**.

13 8. I, Gyoocho Lee, was requested by the Law Firm Lin to provide an explanation of
 14 Korean law on the trade secret misappropriation claim and the copyright infringement claim of
 15 Nexon Korea Corporation against Ironmace Co., Ltd, Ju-hyun Choi and Terence Seungha Park
 16 (collectively, "Defendants") in the case currently pending before the United States Western
 17 District of Washington ("U.S. Litigation"). With respect to such request, I hereby provide my
 18 opinion as shown below after reviewing relevant materials related to the U.S. Litigation.

19 **II. Whether the forum selection clauses in the Acknowledgment about Company IP**
 20 **and the Employment Agreement entered into between Nexon and Choi, and Nexon**
 21 **and Park, constitute an agreement to submit to international jurisdiction**

22 9. The "Acknowledgment about Company IP" effective April 13, 2018, between
 23 Nexon and Park and the "Acknowledgment about Company IP" effective April 13, 2018,
 24 between Nexon and Choi stipulate that: (1) employee inventions (including trade secrets¹) are
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26 ¹ Clause 1 of Article 3 of the Acknowledgment provides that "the right to register such employee inventions as intellectual property rights in Korea or abroad shall be deemed to automatically pass to 'Gap' (Nexon Korea) upon

1 automatically transferred to Nexon Korea Corporation and (2) the copyright of the work for hire
 2 (Clause 3 of Article 3) shall be originally vested in Nexon Korea Corporation. Therefore, the
 3 above Acknowledgments should be considered as a part of the full employment contracts
 4 between the parties to prevent intellectual property disputes related to the employment
 5 relationship.

6 10. The "Employment Agreement" entered between Nexon and Choi on January 1,
 7 2021, identifies Choi as an employee. Therefore, the Employment Agreement constitutes an
 8 employment contract.

9 **1. Whether the forum selection clauses in the Employment Agreement**
 10 **(including provisions on trade secret infringement after resignation) between**
 11 **Nexon and Choi, and between Nexon and Park, constitute an agreement to**
 12 **submit to international jurisdiction**

13 11. In addition to the salary, the Employment Agreement between Nexon and Choi
 14 stipulates the obligation to comply with trade secrets, the prohibition of importing and exporting
 15 trade secrets, the obligation not to engage in the same or similar business that may infringe on
 16 trade secrets for one (1) year after retirement, and the assumption of all civil and criminal
 17 liability in the event of trade secret infringement (Article 5). In light of the above, the term
 18 "relating to this agreement" under the forum selection clause (Clause 4 of Article 7) of the
 19 Employment Agreement can only be interpreted with a broad scope. Clause 1 of Article 5 of the
 20 Employment Agreement stipulates that the employee shall not disclose the Company's
 21 confidential information acquired during employment to any third party, not only during
 22 employment but also after retirement. Under the premise that Nexon's game can be leaked or
 23 exported to foreign countries in the future (for any reason), a legal relation with foreign elements
 24 may be formed at any time in the dispute related to this Employment Agreement. Therefore, this

25 _____
 26 the invention of such employee invention". Therefore, it can be seen that the employee invention includes trade secrets.

1 provision should be viewed as establishing not only the agreement on territorial jurisdiction, but
 2 also the agreement on international jurisdiction.

3 12. Thus, in relation to this U.S. Litigation, the forum selection clause in Clause 4 of
 4 Article 7 of the Employment Agreement cannot be viewed solely as a stipulation to submit to
 5 territorial jurisdiction, but rather as a valid stipulation by the parties to submit to international
 6 jurisdiction as well, specifically in accordance with Article 28(5)(2) of the former KPIL
 7 (currently Article 43(3)(2) of the KPIL). **Therefore, the forum selection clause in the**
 8 **Employment Agreement entered into between Nexon and Choi, and between Nexon and**
 9 **Park, should be considered as a valid agreement on international jurisdiction. In other**
 10 **words, pursuant to Article 28(5)(2) of the former KPIL (currently Article 43(3)(2) of the**
 11 **KPIL), Nexon must file a lawsuit related to the employment contracts (including issues**
 12 **regarding trade secret infringement after resignation) against Choi and Park at the Korean**
 13 **Court.**

14 2. **Whether Forum selection clause (Clause 2 of Article 5) of the**
 15 **Acknowledgment about Company IP entered into between Nexon and Choi,**
 16 **and between Nexon and Park, constitutes an agreement on international**
 17 **jurisdiction**

18 13. The forum selection clause (Clause 2 of Article 5) of the Acknowledgment about
 19 Company IP, a part of the full employment contracts executed between Nexon and Choi, and
 20 between Nexon and Park, provides that: "In the event of a dispute relating to this agreement that
 21 cannot be resolved by consultation between the parties, any disputes relating to the agreement
 22 shall be submitted to the exclusive jurisdiction of the Seoul Central District Court as the court of
 23 the first instance." The same principles discussed above apply to this clause.

24 14. **In light of the above, the forum selection clause (Clause 2 of Article 5) of the**
 25 **Acknowledgment about Company IP constitutes the parties' exclusive agreement on**
 26 **international jurisdiction. Furthermore, based on the provisions of Article 28 of the former**

KPIL (currently Article 43 of the KPIL), this exclusive agreement on international jurisdiction aligns with the protection afforded to employees and is, therefore, a valid agreement².

III. International Jurisdiction for the Dispute Between Nexon and Ironmace

15. The corporate representative of Ironmace is Park. Thus, an issue may arise regarding whether the forum for Nexon's lawsuits against Ironmace, for (1) trade secret misappropriation and (2) copyright infringement, should be understood as the appropriate form for (1) torts and (2) intellectual property infringement, respectively. However, **as evidenced by the fact that Nexon filed against Ironmace, together with Choi and Park, in the United States District Court for the Western District of Washington in relation to the claims for trade secret misappropriation and copyright infringement, it can be sufficiently understood that the entirety of this dispute relates to Nexon's employment contracts with Choi and Park (i.e., disputes over work for hire, employee inventions, etc.).** For the sake of resolving the overall disputes, it would be reasonable to deem the lawsuit against Ironmace as a dispute related to the employment contracts of Choi and Park. Accordingly, it should be reasonably construed that the dispute between Nexon and Ironmace also falls under the term "relating to" in the Employment Agreement (entered into between Nexon and Choi) and the Acknowledgment about Company IP (entered into between Nexon and Park). Further, under the standard

² In line with such legal principle, in Korean Supreme Court Decision 2017Da219232, rendered on April 13, 2017, the Korean Supreme Court ruled as follows: "The parties of the contract may agree on the international jurisdiction in writing: *Provided*, That such agreement shall be effective only in any of the following subparagraphs: (1) In case a dispute already occurred; and/or (2) In case filing a lawsuit with other courts in addition to the competent court under this Article is permitted to the consumer. This allows consumers to reach an agreement on international jurisdiction after a dispute has specifically occurred, in a state where they accurately understand the meaning or outcome of such disputes. Prior to that, only supplementary agreements on jurisdiction that are favorable to consumers were allowed. The above provision aims to limit the effectiveness of an agreement on jurisdiction so that the protection for consumers under the former KPIL is not easily deprived by an agreement on jurisdiction between the parties. Therefore, even if the parties have reached an agreement on international jurisdiction, such an agreement is not valid for consumer contracts if (1) it was made before the dispute specifically occurred and (2) it falls under the agreement on exclusive jurisdiction rather than an agreement on supplementary jurisdiction. Thus, notwithstanding such a jurisdictional agreement, the consumer may bring an action against the other party in the courts of its place of habitual residence pursuant to Article 27(4) of the former KPIL.

arbitration clauses of the Korean Commercial Arbitration Institute, the Korean term "본 계약과 관련하여" is translated as "in relation to this agreement (or contract)".³

16. In particular, when discussing the substantial similarity and evidence of copying between Nexon's work for hire, "P3 Game," and Ironmace's "Dark and Darker," it would be inevitable to consider Park and Choi's works during their employment at Nexon. In light of the above, it would be more than appropriate for the Korean court (Defendants' habitual residence and place of service), which has international jurisdiction under the employment contract, to have jurisdiction over the dispute between Nexon and Ironmace in the U.S. litigation.

IV. Interpretation of the Korean term “본 계약과 관련하여” in Clause 2 of Article 5 of the Acknowledgment about Company IP and Clause 4 of Article 7 of the Employment Agreement

17. The proper translation of the Korean term “본 계약과 관련하여” in the forum selection clause under the Acknowledgment about Company IP and the Employment Agreement is that it covers all disputes “relating to” the contracts. Unlike what Nexon argues, “arising under” would not be a proper translation for the Korean term. The forum selection clauses apply to international jurisdiction as well as territorial jurisdiction, thereby governing the trade secret misappropriation claim and the copyright infringement claim sought by Nexon before the United States Western District Court of Washington. The clauses, as written, have a broad scope and encompass the parties' conducts after termination of the contracts, including any disputes “relating to” the contract. Such disputes would include claims for copyright infringement and misappropriation of trade secrets in relation to former employees, such as Choi and Park. Further, Korean courts would consider the claims against Ironmace to be subject to the forum selection clause since such claims relate to the conduct of Choi and Park.

V. Whether a foreign court can have international jurisdiction over an international case even if there is an exclusive jurisdiction agreement with a domestic court, in

³ http://www.kcab.or.kr/html/kcab_kor/intervention/intervention2_2.jsp <last visit on July 11, 2023>.

accordance with the Korean Supreme Court's Decision 2006Da68209, rendered on March 13, 2008

18. The Korean Supreme Court, in its **Decision 2006Da68209, rendered on March 13, 2008**, held as follows: “If the parties agree to submit to the jurisdiction of one of several courts of competent jurisdiction, such an agreement may be construed as an agreement to submit to exclusive jurisdiction in the country in which the agreement is executed in anticipation of a trial in that country. However, unless there are special circumstances, it cannot be regarded as an agreement to completely exclude the jurisdiction of other countries or to determine exclusive jurisdiction in other countries. Therefore, when a legal relationship involves foreign elements such as the transfer of claims, the jurisdiction of another country may be established. In such cases, the provisions of the agreement may not apply, and the competent court will be determined according to the procedural laws of that country.” Here, the court stated that “In a case where a creditor and debtor, both residing in Japan, entered into an exclusive jurisdiction agreement designating the creditor’s address as the court of first instance, if subsequently the foregoing claim is transferred to a Korean citizen domiciled in Korea, thereby creating a legal relation with foreign elements, the effect of the agreement on jurisdiction does not extend to the new legal relation. Therefore, the Korean court has jurisdiction over such case.”

19. The above Korean Supreme Court Decision originally involved a case in Japan. However, when the corresponding claim was subsequently transferred to a Korean individual with an address in Korea, a legal relation with foreign elements arose. The ruling stated that the jurisdiction of the Korean court may be recognized in such cases. However, this U.S. Litigation greatly differs from the above Korean Supreme Court Decision for the following reasons: (1) As evident from the fact that one of the Defendants, Park, is a U.S. national, the Acknowledgment about Company IP is a contract that was executed by the parties with the assumption of legal relations with foreign elements; and (2) While the Acknowledgment textually states that exclusive jurisdiction shall be the Seoul Central District Court in Korea, it is reasonable to

1 interpret it as an agreement on exclusive international jurisdiction due to the fact that one of the
2 contracting parties, Park, is a U.S. national. In these respects, the facts of our case greatly differ
3 from the facts of the case of the Korean Supreme Court Decision. Therefore, in our case, it
4 would be valid to interpret the provision as the parties' agreement to designate Korean Court as
5 an exclusive jurisdiction, in anticipation of the possibility of litigation taking place within Korea
6 (which is also the location where the agreement was executed). Unlike the facts of the above
7 Korean Supreme Court's Decision, our case does not concern an agreement that determines
8 exclusive jurisdiction in a foreign country outside of Korea. However, considering that our case
9 involves exceptional circumstances that completely exclude jurisdiction outside of Korea, it is
10 reasonable to interpret that the provision in the Acknowledgment encompasses submissions on
11 both international jurisdiction and territorial jurisdiction (territorial competence to sue or venue)
12 under the KCPA.

13
14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct to the best of my knowledge.

16 EXECUTED at Seoul, Korea this 14th day of July, 2023


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20 Professor Gyooho Lee, JSD
21 Chung-Ang University School of Law
22 Seoul, Republic of Korea
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25
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Exhibit A

[Exhibit A]

GyooHo Lee

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South Korea (R.O.K.)

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■ Education

Washington University School of Law, St. Louis, MO; USA
Doctor of Juridical Science (Major: Civil Procedure) Spring 1998

Georgetown University Law Center, Washington, DC
Visiting Researcher August 1995

University of Washington School of Law, Seattle, WA; USA
Master of Law in Asian Law June 1994

Yonsei University, Seoul, South Korea
Master of Law (Major: Civil Procedure) February 1992

Yonsei University, Seoul, South Korea
Bachelor of Law February 1990

■ Activities

- ◆ Visiting Scholar, Washington University School of Law, St. Louis, MO; USA 2014
- ◆ President, The Association of Content Property for Next Generation 2015-2023
- ◆ President, The Association of International Cultural Property Law 2015-2023
- ◆ A Member of Korea Copyright Commission 2021-2024
- ◆ A Member of Expert Committee (for Emerging IP) at Presidential Council on Intellectual Property 2020-2024
- ◆ A Member of the Self-Evaluation Committee of the Korea Intellectual Property Office 2022-2023
- ◆ Chairperson, The Committee to Reform Korea's Unfair Competition Law 2020, 2022
- ◆ Vice President for international affairs, Korean Civil Procedure Association 2012-2016
- ◆ Co-President, Korea Association for Informedia Law 2018-2022
- ◆ Senior Vice President, Korea Association for Informedia Law 2013-2018
- ◆ Vice President, Korean Computer Game Law Association 2014-2024
- ◆ Vice President, Korea Private International Law Association 2018-2024
- ◆ Vice President, Korea Arbitration Law Association 2023-2025
- ◆ Vice President, Forum for the Internet Law System 2021-2023
- ◆ Research Director, Korea Private International Law Association 2016-2018
- ◆ Member, PROYECTO MICINN DER 2013-44739-R (Spain) 2015-2017
- ◆ WIPO Arbitration and Mediation Center's Mediator and Arbitrator 2023-present

- ◆ Editor-in-chief, Korean Yearbook of International Law 2022-2023
- ◆ Editor, Korean Yearbook of International Law 2013-2022
- ◆ Member, AIPPI Standing Committee for Geographical Indications 2016-present
- ◆ Member, AIPPI D & I Committee 2023-present
- ◆ Member, Association of Critical Heritage Studies ICH Network Committee 2016-2023
- ◆ Arbitrator, Weihai Arbitration Commission (Weihai, China) 2016-2024
- ◆ Vice President, The Association of Content Property for Next Generation 2009-2014
- ◆ Vice President, Korea Corporate Legal Affairs Association 2011-2012
- ◆ Director, Korea Reproduction and Transmission Rights Association 2015- 2018
- ◆ Member, Committee for Mediation and Arbitration on Dispute of Technology of Small and Medium-Sized Enterprises Since 2014
- ◆ Associate Member, International Academy of Comparative Law Since 2015
- ◆ Member, AIPPI Korea Since 2011
- ◆ Member, Research Committee for International Law at Korean Supreme Court 2014-2019
- ◆ Member, Advisory Committee for Legislation of the Korean National Assembly 2012-2013
- ◆ Chairman, Committee for Revision of Enforcement Decree of Patent Attorney Act 2014
- ◆ Member, Executive Committee of Training Institute for Attorneys at Law, Korea Bar Association 2014-2019
- ◆ Member, Executive Committee of Training Institute for Intellectual Property, Korea Bar Association 2015-2017
- ◆ Member, ILA(International Law Association) Committee on Intellectual Property and Private International Law 2011-2020
- ◆ Member, Committee on Research of International Law under the National Court Administration of the Korean Supreme Court 2010 - 2017
- ◆ Associate Member, American Society of Comparative Law July 2010-2019
- ◆ Individual Member, American Society of Comparative Law Since 2020
- ◆ Editor-in-chief, Culture, Media, and Entertainment Laws 2008-present
- ◆ Arbitrator, The Korean Commercial Arbitration Board 2009- Present
- ◆ Mediator, The Seoul Central District Court June 2013- June 2021
- ◆ Editing Director, The Korean Branch of International Law Association (ILA) 2014-2021
- ◆ Vice President, The Korean Branch of International Law Association (ILA) 2021-2022
- ◆ Director, The Korean Branch of International Law Association (ILA) 2011-2020
- ◆ General Affairs Directors, International Association for Cultural Property Law Research 2009-2013
- ◆ Member, Regulation Review Committee at the Ministry of Justice 2007 -2015
- ◆ General Affairs Director, Korean Civil Procedure Association 2010-2012
- ◆ General Affairs Director, Korea Private International Law Association 2007-2014
- ◆ Referee, Journal of Intellectual Property Rights 2012-Present
- ◆ Editor, Korean Law and Economics Association 2007-2011
- ◆ Member, Public Satisfaction Index(PSI) Evaluation Committee at the Ministry of Strategic Planning and Finance 2011
- ◆ Financial Director, Korean Civil Procedure Association 2008-2010
- ◆ Research Director, Korean Civil Procedure Association 2006-2008
- ◆ Editor, Korea Association for Informedia Law 2004- 2009
- ◆ Director, Korean Copyright Law Association 2007- 2014
- ◆ Vice President, Korean Society of Authors 2017-2020
- ◆ International Affairs Director, Korean Society of Authors 2009 -2017
- ◆ Member, Korea-EU FTA Intellectual Property Enforcement Task Force 2007
- ◆ Member, KORUS FTA Intellectual Property Enforcement Task Force 2007

- ◆ National Reporter, International Congress of Comparative Law
(Subject: Cost and Fee Allocation Rules) 2010

◆ **Work Experience**

- ◆ **Professor (tenured)** September 2011 - Present
School of Law
Chung-Ang University
Seoul, South Korea
- ◆ **Associate Professor** March 2008 -- August 2011
School of Law
Chung-Ang University
Seoul, South Korea
- ◆ **Associate Professor** September 2007 – Feb. 2008
College of Law
Chung-Ang University
Seoul, South Korea
- ◆ **Vice Dean for International Affairs and Public Relation
and Director of Law Library and of SJD Program** March 2016-
February 2018
School of Law
Chung-Ang University
Seoul, South Korea
- ◆ **Vice Dean for Academic Affairs** February 2018 - May 2019
School of Law April 2012- January 2014
Chung-Ang University
Seoul, South Korea
- ◆ **Director** March 2008 - Present
Institute for Culture, Media, And Entertainment Laws
Chung-Ang University
Seoul, South Korea
- ◆ **Lecturer (Teaching Unfair Competition Law)** July 30 to August 1, 2019
KIPO, Daejeon, South Korea
- ◆ **Lecturer (Teaching Copyright Law)**
WIPO Summer School , Daejeon, South Korea August 2008
- ◆ **Lecturer (Teaching Copyright Law and Trademark Law)**
WIPO Summer School , Daejeon, South Korea June 2009
- ◆ **Lecturer (Teaching Copyright Law)**
WIPO Summer School , Daejeon, South Korea June 2010
- ◆ **Lecturer (Teaching Copyright Law)**
WIPO Summer School , Daejeon, South Korea June 2011
- ◆ **Lecturer (Teaching Copyright Law)**
WIPO Summer School , Daejeon, South Korea June 2012

- ◆ **Lecturer (Teaching Copyright Law)**
WIPO Summer School, Daejeon, South Korea July 2013
- ◆ **Lecturer (Teaching Copyright Law, and IP Law and Competition Policy)**
WIPO Summer School, Daejeon, South Korea July 2015
- ◆ **Lecturer (Teaching Copyright Law and IP Law and Competition Policy)**
WIPO, Summer School, Daejeon, South Korea July 2016
- ◆ **Lecturer (Teaching IP strategy and protection)**
Asean IP Training Program organized KOICA and IIPTI July 2011
- ◆ **Lecturer (Introduction to Korean IP Law)**
Asean IP Training Program organized KOICA and IIPTI March 2018
- ◆ **Associate Professor**
College of Law
Kwangwoon University
Seoul, South Korea March 2007-August 2007
- ◆ **Assistant Professor**
College of Law
Kwangwoon University
Seoul, South Korea March 2004-February 2007
- ◆ **Assistant Professor**
Department of Law
College of Law and Politics
Kwandong University
Kangnung, Kwangwon-Do
South Korea March 2000-February 2004
- ◆ **Legal Specialist**
Legal Advisory Committee
Ministry of Justice
Kwachon, Kyunggi-Do
South Korea April 1999-February 2000

◆ **Field of Special Interests**

- ◆ Intellectual Property Law, Civil Procedure, Private International Law, Comparative Law
- ◆ Teaching: Patent Law (in Korean); Copyright Law (in Korean); IP Procedural Law (in Korean); Trademark, Design, and Laws (in Korean); Cultural Property Law (in Korean)

◆ **Publications**

◆ **Theses and Dissertation**

- ◆ Gyoocho Lee, The Proceedings Protecting the Third Person in Civil Enforcement Act (LL.M. Thesis, Yonsei University College of Law(Seoul, South Korea) (February, 1992)
- ◆ Gyoocho Lee, A Comparative Analysis: Influence of Pretrial Discovery in the U.S.A. upon Procedure for Gathering Documentary Evidence in Civil Litigation in Japan and Korea (LL.M. Thesis, University of Washington School of Law)(Seattle, WA; USA)(June, 1994)
- ◆ Gyoocho Lee, In Search of the Optimal Tort Litigation System: Reflections on Korea's Civil Procedure Through Inquiry into American Jurisprudence (J.S.D. Dissertation, Washington University School of Law (St. Louis, Mo; USA) (May, 1998)

◆ Articles

1. English Legal Literatures

- ◆ Marie-Elodie Ancel, Nicolas Binctin, Josef Drexl, Mireille van Eechoud, Jane C. Ginsburg, Toshiyuki Kono, Gyoocho Lee, Rita Matulionyte, Edouard Treppoz, and Dário Moura Vicente, *International Law Association's Guidelines on Intellectual Property and Private International Law ("Kyoto Guidelines")*: Applicable Law, JIPITEC 12 (1), 44-73 (2021) ·
- ◆ *Restitution of stolen cultural properties: Lessons and challenges from recent Korean cases*, Pravovedenie 64 (1): 164-175 (2020)
- ◆ *Legitimacy and Constitutionality of Contact Tracing in Pandemic in the Republic of Korea*, IL NUOVO DIRITTO DELLE SOCIETA, Anno 18, March 2020, G. Giappichelli Editore, pp. 407-442.
- ◆ *Collective Redresses in Korea*, Civil Procedure, Vol. 23, No. 3, pp. 41-103 (October 2019).
- ◆ *A Critical Legal Analysis on Cheonggyecheon Restoration Project of Seoul in Republic of Korea*, Culture, Media, and Entertainment Law, Vol. 13, No. 2, pp. 139-167 (December 2019).
- ◆ *Lessons from Investor-State Dispute Settlements Related to Korea or Korean Investors*, Korean Yearbook of International Law, Vol. 6, pp. 111-169 (2019).
- ◆ *How to Protect Traditional Food and Foodways Effectively in Terms of Intangible Cultural Heritage and Intellectual Property Laws in the Republic of Korea*, International Journal of Cultural Property, Vol. 25, Issue 4, pp. 543-572 (November, 2018).
- ◆ Gyoocho Lee, Recognition and Enforcement of Foreign Judgment under the Civil Procedure Act and the Civil Enforcement Act Revised in 2014, Korean Yearbook of International Law, Vol. 2, 309-322 (2014)
- ◆ Gyoocho Lee, Keon-Hyung Ahn and Jacques de Werra, *Euro-Korean Perspectives on the Use of Arbitration and ADR Mechanisms for Solving Intellectual Property Disputes*, Arbitration International, Vol. 30, Issue 1 (2014)
- ◆ Gyoocho Lee, *Cost and Fee Allocation Rules in Korean Civil Procedure*, 10-1 Journal of Korean Law 1 (December 2010)
- ◆ Gyoocho Lee, *Is Comparative Law and Economics Viable as a Comparative Approach to Korean Civil Procedure ?*, Korean Journal of Law and Economics, Vol. 5 No. 1 (2008).
- ◆ Gyoocho Lee, *Recent Development in Online and Offline Copyright Infringement Liability in the Digital Environment: An Overview of Korean Case Law*, Content Property Law and Policy Review, Vol. 2 (2011).

2. English Book Chapters

- ◆ Gyoocho Lee, *The legal protection of intangible cultural heritage: The inadequacy of intellectual property in the Republic of Korea*, in Patricia Covarrubia, *Transboundary Heritage and Intellectual Property Law: Safeguarding Intangible Cultural Heritage*, Routledge, pp. 84-106 (November 30, 2022)
- ◆ Gyoocho Lee, *Article 7: Other laws or treaties*, in Guillermo Palao, *The Singapore Convention on Mediation: A Commentary on the United Nations Convention on International Settlement Agreements Resulting from Mediation*, Edward Elgar, pp. 200-212 (December 13, 2022)
- ◆ Gyoocho Lee, *Fashion and Trademarks in the Republic of Korea*, in Cristiana Sappa ed., *Trademarks and Fashion: A First Survey in Different Parts of the World*, pp. 185-202 (2020)
- ◆ Gyoocho Lee, *Legal Issues Related to Blockchain Technology-Examples from Korea*, in Marcelo Corrales Compagnucci, Nikolaus Forgó, Toshiyuki Kono, Shinto Teramoto, Erik P.M. Vermeulen, *Legal Tech and the New Sharing Economy*, Springer Singapore, pp. 149-166 (2019).
- ◆ Gyoocho Lee, *The Korean Foreign Investment Law and Investor-State Dispute Settlement*, in Carlos Esplugues ed., *Foreign Investment and Investment Arbitration in Asia*, Intersentia, pp. 139-178 (2019).
- ◆ Gyoocho Lee, *Issues of International Private Law*, in Byung-il Kim and Christopher Heath eds., *Intellectual Property Law in Korea* (2015)
- ◆ Gyoocho Lee, *South Korea*, in Carlos Esplugues Mota and Silvia Barona Vila eds., *Global Perspectives on ADR* (Intersentia, 2013)
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- ◆ “Joint Proposal on the Recognition and Enforcement of a Foreign Judgment in Intellectual Property Cases”, *The Quarterly Review of Corporation Law and Society*, Vol. 7, No. 2, pp. 104-119, Global Center of Excellence, Waseda Institute for Corporation Law and Society (Nov. 2010).
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- ◆ *Issues Relating to Authors' Claims for Additional Remunderation under Several Bills for Copyright Act from the Perspective of Private International Law and Material Laws*, Korea Private International Law Review, Vol. 29, No. 1, pp. 169-233 (June 2023).
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- ◆ *A Study on Legal Issues Related to Anti-suit Injunction on Basis of a Choice of Court Agreement*, Korea Private International Law Journal, Vol. 25, No. 1, pp. 53-121 (June 2019).
- ◆ *Overview of the Revised Civil Procedure Act and Civil Enforcement Act of 2014 and Their Prospect*, Civil Procedure, Vol. 19, No. 1, pp. 105-143 (May 2015)
- ◆ *Recognition and Enforcement of a Foreign Judgment under the Civil Procedure Act and the Civil Enforcement Act Revised in 2014*, Korean Yearbook of International Law, Vol. 2 (2014)
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- ◆ *A Study on Joinder of Claims or Parties in International Cases, Lis Pendens, and International Jurisdiction on Interim Measures or Maritime Cases*, Korea Private International Law Journal, Vol. 18, pp. 155-231 (Dec. 2012)
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- ◆ *A Study on International Torpedo Litigation*, Civil Procedure, Vol. 14, No. 1, pp. 115-148 (Nov. 2010)
- ◆ *A Study on Both Provisional And Corrective Measures with respect to the Enforcement of Intellectual Property Rights in the FTA Negotiation*, 81 Copyright Quarterly 4 (2008)
- ◆ *"Copyright Enforcement Under KORUS FTA And Korea's Legal Countermeasure (I)*, 612 Bupcho (Lawyers Association Journal) 278 (2007) ; and
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◆ Books

1. English Books

- ◆ Failures of American Civil Justice in International Perspective (coauthored with James R. Maxeiner & Armin Weber)(August 2011)(Cambridge University Press)

2. Korean Books

- ◆ Gyoocho Lee, Understanding Intellectual Property (Bakyoungsa Publ.) (1st ed. 2020)
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- ◆ Jeong Yeol Choe/Gyooho Lee, *Unfair Competition Law* (Jinwon Sa)(4th ed. 2020)
- ◆ Gyooho Lee, *Trademark Law* (Jinwon Sa) (2nd ed. 2018)
- ◆ Gyooho Lee, *Patent Law: Cases and Explanations* (Jinwon Sa) (4th ed. 2017)
- ◆ Gyooho Lee, *Copyright Law: Cases and Explanations* (Jinwon Sa) (6th ed. 2017)
- ◆ Gyooho Lee, *Laws to Protect Geographical Marks including Geographical Indications*, Korea Institute of Intellectual Property (2016)
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- ◆ Gyooho Lee, *Teaching Intellectual Property Law* (Jinwon Sa)(1st ed. 2013)
- ◆ Gyooho Lee, *Copyright Law: Cases and Explanations* (Jinwon Sa) (3rd ed. 2012)
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- ◆ Gyooho Lee et al., *Intellectual Property Law-Substantive and Procedural Laws* (1st ed. 2012)
- ◆ Gyooho Lee, *Copyright Law-Cases and Explanations* (Jinwon Sa) (1st ed. 2010)
- ◆ Gyooho Lee, Kimihito Kato, Tomoyuki Kataoka, and Junghyuk Hur, *Recent Issues on Entertainment Law-Focused on Jurisprudence and Legal Practice in Korea and Japan* (2011)
- ◆ Gyooho Lee, *Mexican Copyright Law* (2003) (Copyright Commission) (2008)
- ◆ Gyooho Lee et al., *A Commentary on Korean Patent Act* (Korean Intellectual Property Office 2007)
- ◆ Gyooho Lee, *Practice of Civil Litigation Commenced by or against Government in Foreign Countries (I)* (Ministry of Justice 2002) (with Sang Soo Kim)

◆ Reports

- ◆ Gyooho Lee et al., *A Study on the Implementation of International Treaties Related to Civil Judicial Assistance*, The Report submitted to The National Court Administration of the Korean Supreme Court (August 31, 2011). (Covering the domestic implementation of Hague Service Convention and Hague Evidence Convention, to which Korea is a signatory, and of bilateral treaty on international judicial assistance with Australia, China, and Mongolia).

◆ Presentations (in English)

- ◆ **“Restitution of Stolen Cultural Properties: Some Lessons and Challenges form Recent Korean Cases,”** A Virtual Conference for UNESCO and Cultural Heritage at Federal State Budgetary Educational Institution of Higher Education “Saint-Petersburg State University” on May 18, 2020.
- ◆ **“Triple Damages in Korean IP Laws,”** at Link Campus University (Rome, Italy) on February 10, 2020.
- ◆ **“Recent Development in Trade Secret Protection Law in East Asia,”** at University of Macerata Department of Law (Macerata, Italy) on February 13, 2020.
- ◆ ***“PGIs Regimes in EU, USA, China and Korea Compared,”*** in XXVIII Conference of AIDA held in Milan, Italy on September 11th and 12th, 2015
- ◆ ***“GIs and Contemporary Issues”*** at Washington University School of Law in St. Louis, MO (USA), on November 18th, 2014.

- ◆ ***“Digital Gaming and Copyright: Balance Between Copyright Protection and Fair Use,”*** at Forum IV, AIPPI Forum & Exco held in Helsinki, Finland on September 6th, 2013
- ◆ ***“Recent Development in the Korean Copyright Law in the Digital Age,”*** in AIDA Forum held at Studio Ubertazzi in Milan, Italy on September 4th, 2013
- ◆ ***“Recent Development in the Korean Copyright Law in the Digital Age,”*** under the theme “Creative Economy Initiatives in Korea and the Philippines: Case Studies and Online Copyright Issues” at Roundtable on Creating a Digital Economy, cohosted by Korea Copyright Commission/Intellectual Property Office of the Philippines/USPTO and held at the Constellation, Diamond Hotel, 27 Floor Aquarius to Libra Room (Roxas Boulevard, Manila, Philippines) on April 11, 2013
- ◆ ***“Recent Development in the Korean Copyright Law,”*** in my special lecture at University of Valencia in Spain (March 12, 2013)
- ◆ ***“Overview of and Recent Development in the Korean Arbitration Law,”*** in my special lecture at University of Valencia in Spain (March 13, 2013)
- ◆ ***“New Business Models and Copyright Issues in the Music Industry,”*** in Asia-Pacific Regional Seminar on the Issues of Copyright and Related Rights in the Music Industry, organized by the World Intellectual Property Organization (WIPO) in cooperation with the Intellectual Property Corporation of Malaysia (MyIPO), Government of Malaysia and with the assistance of the Ministry of Culture, Sports and Tourism (MCST), Government of the Republic of Korea (Kuala Lumpur, May 2, 2012)
- ◆ ***“Current Trends and Challenges in the Music Industry: The Case of the Republic of Korea,”*** in Asia-Pacific Regional Seminar on the Issues of Copyright and Related Rights in the Music Industry, organized by the World Intellectual Property Organization (WIPO) in cooperation with the Intellectual Property Corporation of Malaysia (MyIPO), Government of Malaysia and with the assistance of the Ministry of Culture, Sports and Tourism (MCST), Government of the Republic of Korea (Kuala Lumpur, May 3, 2012)
- ◆ ***“Overview of the Korean Copyright Law,”*** in my special lecture at Law School of Tashkent State University in Uzbekistan (Tashkent, February 2, 2012)
- ◆ ***“Recognition and Enforcement of Foreign Judgments,”*** in Commentary on Principles of Private International Law on Intellectual Property Rights (Joint Proposal Drafted by Members of the Private International Law Association of Korea and Japan), in International Conference held at Waseda University School of Law (January 29, 2011).
- ◆ ***“Cost and Fee Allocation Rules: Korean Report,”*** in the XVIIIth International Congress of Comparative Law held in Washington, DC, USA (July 26, 2010).
- ◆ ***“Online and Offline Copyright Infringement in Digital Environment: An Overview of Korean Case Law,”*** in Korea-Indonesia Copyright Workshop (May 6, 2009)
- ◆ ***“Employees' IPRs and Conflict of Laws in Korea,”*** in University of Valencia Department of Law (Valencia, Spain) (forthcoming in February 2015)
- ◆ ***“Recognition and Enforcement of Foreign Judgments under the Revised Korean Civil Procedure Act of 2014,”*** in University of Valencia Department of Law (Valencia, Spain) (forthcoming in February 2015)

- ◆ **"GIs and Current Legal Development,"** in the University of Macerata Department of Law (Macerata, Italy) (forthcoming in February 2015)

■ **Official Commendation and Others**

- ◆ **Official Commendation from the Ministry of Culture, Sports and Tourism of Korea** (December 31, 2011)
- ◆ **Official Commendation from Small and Medium Business Administration of Korea** (September 17, 2014) (field: Technology Protection)
- ◆ **Official Commendation from Prime Minister of Korea** (December 23, 2014)
- ◆ **Listee, Marquis Who's Who in the World in 2016** (December, 2015)
- ◆ **Awardee of Chung-Ang University Research Excellence Award** (October, 2015)
- ◆ **Listee, 2000 Outstanding Intellectuals of the 21st Century in 2016 (IBC, 10th ed.)** (July, 2016)
- ◆ **Official Commendation from International Intellectual Property Training Institute for Excellent Teaching of Intellectual Property Law** (December, 2016)
- ◆ **Winner of Chung-Ang University Human Rights Award for 2019** (December, 2019)

CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury under the laws of the United States of America that on this date, the foregoing document was filed electronically with the Court and thus served simultaneously upon all counsel of record.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on July 14, 2023.



Kristine Nicolas